

EXHIBIT A

SUMMONS (CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

MENZIES AVIATION, INC., doing business as MENZIES and DOES
1 through 10, inclusive.

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

RENALDO NAVARRO

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): San Francisco County Superior Court
400 McAllister Street, San Francisco, CA 94102

CASE NUMBER:
(Número del Caso)

CGC-19-580227

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Arlo Garcia Uriarte, Liberation Law Group, P.C., 2760 Mission Street, San Francisco, CA 94110

DATE: **OCT 23 2019** Clerk of the Court

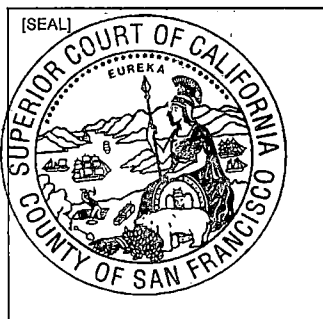
Clerk, by
(Secretario)

, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

ANGELICA SUNGA



NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):
4. ☐ by personal delivery on (date):

1 Arlo García Uriarte, SBN 231764.
2 Ernesto Sánchez, SBN 278006
3 Un Kei WU, SBN 270058
4 Daniel P. Iannitelli, SBN 203388
5 LIBERATION LAW GROUP, P.C.
6 2760 Mission Street
7 San Francisco, CA 94110
8 Telephone: (415) 695-1000
9 Facsimile: (415) 695-1006

10 Attorneys for PLAINTIFF
11 **RENALDO NAVARRO**

FILED
San Francisco County Superior Court

OCT 23 2019

CLERK OF THE COURT

By: 
ANGELICA SUNGA Deputy Clerk

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **FOR THE COUNTY OF SAN FRANCISCO**
14 **UNLIMITED JURISDICTION**

15 RENALDO NAVARRO,

16
17 Plaintiff,

18 vs.

19 MENZIES AVIATION, INC., doing business as
20 MENZIES and DOES 1 through 10, inclusive.

21 Defendants.
22

Case Number: **CGC - 19 - 580227**

COMPLAINT

- (1) **DISCRIMINATION**
- (2) **RETALIATION**
- (3) **WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY**
- (4) **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

JURY TRIAL REQUESTED

I. JURISDICTION & VENUE

3. Venue is proper in this Court because, at all relevant times, DEFENDANT Menzies Aviation, Inc., conducted business in San Francisco County and PLAINTIFF was employed and performed service for DEFENDANT Menzies Aviation, Inc., within the County of San Francisco.

4. PLAINTIFF is an individual.

6. PLAINTIFF was a non-exempt employee, employed by DEFENDANTS.

8. PLAINTIFF worked for DEFENDANTS at 1601 Old Bayshore Hwy, Burlingame.

10. Reference herein to “DEFENDANTS” without other limitation shall include all individually, jointly, and fictitiously named DEFENDANTS, including those individuals who were the officers, directors, and/or managing agents of DEFENDANT MENZIES. Whenever and wherever reference is made in this Complaint to DEFENDANTS, such reference shall include each and every one of these individually and fictitiously named defendants individually, jointly, and severally.

11. PLAINTIFF is unaware of the true names and capacities of the DEFENDANTS sued

1 herein as DOES 1 – 10, inclusive, and therefore sue these DEFENDANTS by such fictitious names
2 pursuant to Code of Civil Procedure Section 474. PLAINTIFF will amend this Complaint to allege their
3 true names and capacities if/when they are ascertained. PLAINTIFF is informed and believes and
4 thereupon alleges that each fictitiously-named defendant is responsible in some manner for the
5 occurrences alleged herein, and that the damages as alleged herein were directly and proximately caused
6 by each such fictitiously-named defendant, and that PLAINTIFF is entitled to the relief requested herein
7 against each such fictitiously-named defendant.
8

9 12. The actions of DEFENDANTS' officers, managers, supervisors, employees, and agents
10 against PLAINTIFF were ratified by DEFENDANTS. At all relevant times, DEFENDANTS and its
11 officers, managers, supervisors, employees, and agents acted within the course and scope of their
12 employment.
13

14 III. STATEMENT OF FACTS

15 13. PLAINTIFF worked for DEFENDANTS from 2005 to August 29, 2018.

16 14. PLAINTIFF worked as a supervisor for DEFENDANTS. More specifically, PLAINTIFF
17 supervised approximately twelve (12) to fifteen (15) fuelers at a time. PLAINTIFF'S duties as a
18 supervisor were to dispatch his assigned fuelers to their respective aircrafts so they could load/unload
19 fuel.
20

21 15. PLAINTIFF also had supervisors; they were duty manager John Qualley ("QUALLEY"),
22 operations manager Renil (last name unknown) ("RENIL"), general manager Jeff Cock ("COCK"), and
23 director Raul Vargas ("VARGAS").

24 16. PLAINTIFF typically worked five (5) days per week for DEFENDANTS.

25 17. PLAINTIFF'S typical schedule had him start work at approximately 11:00 p.m. and stop
26 work at approximately 7:00 a.m.
27
28

1 18. When PLAINTIFF started his shift, DEFENDANTS' swing shift supervisors would
2 provide the status for the fuelers that would be available for PLAINTIFF'S shift so he could prepare to
3 manage his group.

4 19. DEFENDANTS' swing supervisors, those that worked with PLAINTIFF, were July
5 Macapagal ("MACAPAGAL") and Andrew Dodge ("DODGE").
6

7 20. It was common for DODGE to not respond to calls from fuelers because he frequently
8 slept while on-duty. PLAINTIFF received many complaints from his fuelers about DODGE'S
9 unprofessional behavior. DODGE frustrated fuelers because he was unreliable about giving them meal
10 and rest period opportunities, and he was often unavailable to help them troubleshoot problems with
11 flights.

12 21. DEFENDANTS did not address DODGE'S behavior after PLAINTIFF complained.
13 PLAINTIFF complained to DEFENDANTS about DODGE repeatedly in 2017. PLAINTIFF issued
14 most of these complaints to RENIL and QUALLEY, but he was ignored.

15 22. On or about August 14, 2018, one of PLAINTIFFS' fuelers asked PLAINTIFF to sign a
16 petition formally complaining about DODGE. PLAINTIFF signed the petition because on several
17 occasions, PLAINTIFF experienced the issues that his fuelers were complaining about. For example,
18 PLAINTIFF, on several occasions, called DODGE but he did not reply to the cellphone because he was
19 sleeping while on-duty.

20 23. On or about August 17, 2018, MACAPAGAL showed the petition to VARGAS during a
21 meeting with all the supervisors and managers.

22 24. On or about August 23, 2018, VARGAS and the safety manager Kevin (last name
23 unknown) ("KEVIN"), suspended PLAINTIFF for signing the petition.

24 25. KEVIN asked PLAINTIFF to write a letter explaining why he signed the petition.
25 PLAINTIFF wrote a letter explaining the reasons for signing the petition. PLAINTIFF experienced the
26 same work situation with DODGE that DEFENDANTS' fuelers had. When PLAINTIFF tried to reach
27 DODGE he usually was sleeping.
28

1 26. DEFENDANTS suspended PLAINTIFF one week for signing the petition.

2 27. DEFENDANTS did not suspend any other supervisors or employees.

3 28. In PLAINTIFF'S experience, DEFENDANTS displayed favoritism for DODGE as a
4 Caucasian supervisor over the Filipino's supervisors like PLAINTIFF. PLAINTIFF and other employees
5 complained several times about DODGE but DEFENDANTS never implemented any corrective action.
6 DEFENDANTS allowed and reinforced DODGE'S unprofessionalism.
7

8 29. On or about August 29, 2018, DEFENDANTS retaliated against PLAINTIFF again and
9 terminated his employment due to his support of the petition complaining about DODGE.

10 30. DEFENDANTS suspended, retaliated and terminated PLAINTIFF because of his Filipino
11 race and Philippines national origin.

12 31. On or about September 03, 2019, PLAINTIFF received a right to sue notice from the
13 California Department of Fair Employment and Housing ("DFEH"). A copy of this notice is appended
14 hereto, marked "Exhibit A," and is incorporated by this reference as though fully set forth.

15 **IV. CLAIMS FOR RELIEF**

16 **FIRST CAUSE OF ACTION**

17 By PLAINTIFF against DEFENDANTS

18 *(FEHA Discrimination)*

19 32. PLAINTIFF realleges and incorporates by reference the allegations of the paragraphs
20 above.

21 33. DEFENDANTS are subject to suit under the California Fair Employment and Housing
22 Act, Government Code Section 12900 et seq. (FEHA), in that DEFENDANTS regularly employ five (5)
23 more persons.

24 34. DEFENDANTS' discriminatory actions against PLAINTIFF, as alleged above,
25 constituted unlawful in employment on account of PLAINTIFF' race and national origin in violation of
26 Government Code Section 12940(a).
27
28

1 35. DEFENDANTS and its agents, directors, managers, supervisors, and employees knew or
2 should have known its actions were unwanted and discriminatory.

3 36. Despite DEFENDANTS' actual and constructive knowledge of the discriminatory acts
4 against PLAINTIFF and the knowledge of its directors, managers, supervisors, agents, and employees,
5 DEFENDANTS failed to take reasonable, immediate, and appropriate corrective action to stop such
6 discrimination from occurring.

7 37. As a proximate result of DEFENDANTS' discriminatory actions against PLAINTIFF,
8 PLAINTIFF has been harmed in that PLAINTIFF suffered the loss of wages, salary, benefits, intangible
9 loss of such employment-related opportunities such as experience in the positions held and sought by
10 PLAINTIFFS, and additional amounts of money PLAINTIFF would have received if PLAINTIFF had
11 been properly promoted, received proper wage increases, and increased hours of work. As a result of
12 such discrimination and consequent harm, PLAINTIFF has suffered such damages in an amount
13 according to proof.

14 38. As a further proximate result of DEFENDANTS' discriminatory actions against
15 PLAINTIFFS, PLAINTIFF has been harmed in that PLAINTIFF has suffered humiliation, mental
16 anguish, and emotional and physical distress, and have been injured in mind and body as follows:
17 Anxiety, stress, insomnia, and other maladies. As a result of such discrimination and consequent harm,
18 PLAINTIFF has suffered such damages in an amount according to proof.

19 39. DEFENDANTS' conduct was oppressive, malicious, deliberate, willful, and with
20 conscious disregard of the rights of PLAINTIFF.

21 40. DEFENDANTS authorized or ratified the wrongful conduct of its managers, employees,
22 agents, and DOE defendants for which the damages are sought. As a result, PLAINTIFF seeks punitive
23 damages against DEFENDANTS in order to deter them from such conduct in the future.

24 41. September 3, 2019, PLAINTIFF received a right to sue notice from the California
25 Department of Fair Employment and Housing ("DFEH"). A copy of this notice is appended hereto,
26 marked "Exhibit A," and is incorporated by this reference as though fully set forth.
27
28

SECOND CAUSE OF ACTION

By PLAINTIFF against DEFENDANTS

(FEHA Retaliation)

42. PLAINTIFF realleges and incorporates by reference the allegations of the paragraphs above.

43. DEFENDANTS are subject to suit under the California Fair Employment and Housing Act, *Government Code Section 12900 et seq.* (FEHA), in that DEFENDANTS regularly employ five or more persons.

44. DEFENDANTS' actions against PLAINTIFF, as alleged, constituted unlawful retaliation in employment on account of PLAINTIFF' opposition to DEFENDANTS' discriminatory and hostile workplace practices in violation of Government Code Section 12940(h).

45. DEFENDANTS and its agents, directors, managers, supervisors, and employees knew or should have known its actions were unwanted and retaliatory because PLAINTIFF complained about them to DEFENDANTS

46. Despite DEFENDANTS' actual and constructive knowledge of the retaliatory acts against PLAINTIFF and the knowledge of its directors, managers, supervisors, agents, and employees, DEFENDANTS failed to take reasonable, immediate, and appropriate corrective action to stop such retaliation from occurring.

47. As a proximate result of DEFENDANTS' discriminatory actions against PLAINTIFF, PLAINTIFF has been harmed in that PLAINTIFF suffered the loss of wages, salary, benefits, intangible loss of such employment-related opportunities such as experience in the positions held and sought by PLAINTIFF, and additional amounts of money PLAINTIFF would have received if PLAINTIFF had been properly promoted, received proper wage increases, and increased hours of work. As a result of such retaliation and consequent harm, PLAINTIFF has suffered such damages in an amount according to proof.

9 50. DEFENDANTS authorized or ratified the wrongful conduct of its managers, employees,
10 agents, and DOE defendants for which the damages are sought. As a result, PLAINTIFF seeks punitive
11 damages against DEFENDANTS in order to deter them from such conduct in the future.

13 By PLAINTIFF against DEFENDANTS

51. PLAINTIFF realleges and incorporates by reference the allegations of paragraphs above.

53. PLAINTIFF complained many times about DODGE because his unprofessional behavior was affecting PLAINTIFF'S work conditions. DEFENDANTS at first ignored these complaints and eventually used them to suspend and terminate PLAINTIFF.

55. DEFENDANTS' actions were taken with oppression and in reckless disregard of
PLAINTIFF'S rights.

56. PLAINTIFF is informed and believes that his support and respective sign of the petition, were substantial motivating factors in DEFENDANTS' decisions to terminate PLAINTIFF'S employment

57. As a proximate result of DEFENDANTS' actions against PLAINTIFF, PLAINTIFF has been harmed in that PLAINTIFF suffered the loss of wages, salary, benefits, intangible loss of such employment-related opportunities such as experience in the positions sought by PLAINTIFF, and additional amounts of money PLAINTIFF would have received if PLAINTIFF had been not wrongfully terminated, received proper wage increases, and increased hours of work. As a result of such and consequent harm, PLAINTIFF has suffered such damages in an amount according to proof.

58. As a further proximate result of DEFENDANTS' retaliation actions against PLAINTIFF, PLAINTIFF has been harmed in that PLAINTIFF has suffered humiliation, mental anguish, and emotional and physical distress, and has been injured in mind and body as follows: Anxiety, stress, and insomnia. As a result of such harassment and consequent harm, PLAINTIFF has suffered such damages in an amount according to proof.

59. DEFENDANTS committed the acts herein despicably, maliciously, fraudulently, and oppressively, with the wrongful intention of injuring PLAINTIFF, from an improper and evil motive amounting to malice, and in conscious disregard of the rights and safety of PLAINTIFF is thus entitled to recover punitive damages from DEFENDANTS in an amount according to proof.

FOURTH CAUSE OF ACTION

By PLAINTIFF against DEFENDANTS

(Intentional Infliction of Emotional Distress)

60. PLAINTIFF realleges and incorporates by reference the allegations of paragraphs above.

61. DEFENDANTS engaged in outrageous conduct towards PLAINTIFF, with the intention to cause, or with reckless disregard for the probability of causing, PLAINTIFF to suffer severe emotional distress.

62. DEFEDANTS' conduct was a substantial factor in causing PLAINTIFF's severe

1 emotional distress, discomfort, worry, anxiety, concern, and agitation as the result of DEFENDANTS'S
2 actions against PLAINTIFF.

3 63. As a direct and proximate result of DEFENDANTS' conduct, PLAINTIFF was injured
4 in his strength, health, and activity, sustaining shock and injury to her nervous system, all of which has
5 caused and continue to cause plaintiff great mental pain, embarrassment, humiliation, distress, anguish
6 and suffering, all to his damage in an amount in excess of the minimum subject matter jurisdiction of
7 this Court and according to proof.

8 64. As direct and proximate cause of DEFEDANTS' conduct, PLAINTIFF's has suffered
9 and continues to suffer losses in earnings, bonuses, deferred compensation, employment benefits and
10 earning capacity, opportunities for employment advancement, embarrassment, humiliation, mental
11 anguish and distress, all to her damage in excess of the minimum subject matter jurisdiction of this
12 Court and according to proof

13 65. DEFENDANTS committed the acts herein despicably, maliciously, fraudulently, and
14 oppressively, with the wrongful intention of injuring PLAINTIFF, from an improper and evil motive
15 amounting to malice, and in conscious disregard of the rights and safety of PLAINTIFF is thus entitled
16 to recover punitive damages from DEFENDANTS in an amount according to proof.
17

18 **V. PRAYERS FOR RELIEF**

19 WHEREFORE, PLAINTIFF respectfully prays that this Court enters judgment in his favor and
20 against DEFENDANTS, as follows:
21

- 22 1. Compensatory, consequential and statutory damages according to proof.
- 23 2. Punitive damages according to proof,
- 24 3. Emotional distress damages according to proof.
- 25 4. Such other and further relief as the Court deems just and proper.
- 26
- 27
- 28

1 Dated: October 22, 2019.

LIBERATION LAW GROUP, P.C.

2
3 By: 

4 Arlo Garcia Uriarte
5 Attorneys for PLAINTIFF
6
7

8 **VI. JURY REQUEST**

9 PLAINTIFF request a trial by jury.
10

11 Dated: October 22, 2019

LIBERATION LAW GROUP, P.C.

12
13 By: 

14 Arlo Garcia Uriarte
15 Attorneys for PLAINTIFF
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

KEVIN KISH, DIRECTOR

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711
<http://www.dfeh.ca.gov> | Email: contact.center@dfeh.ca.gov

September 3, 2019

Arlo Uriarte
2760 Mission St 2nd floor
San Francisco, California 94110

RE: **Notice to Complainant's Attorney**
DFEH Matter Number: 201909-07431103
Right to Sue: Navarrp / MENZIES AVIATION

Dear Arlo Uriarte:

Attached is a copy of your **amended** complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq.

Pursuant to Government Code section 12962, DFEH will not serve these documents on the employer. You or your client must serve the complaint.

The amended complaint is deemed to have the same filing date of the original complaint. This is not a new Right to Sue letter. The original Notice of Case Closure and Right to Sue issued in this case remains the only such notice provided by the DFEH. (Cal. Code Regs., tit. 2, § 10022.)

Be advised that the DFEH does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Department of Fair Employment and Housing

**COMPLAINT OF EMPLOYMENT DISCRIMINATION
BEFORE THE STATE OF CALIFORNIA
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING
Under the California Fair Employment and Housing Act
(Gov. Code, § 12900 et seq.)**

In the Matter of the Complaint of
Renaldo Navarrp

DFEH No. 201909-07431103

Complainant,

vs.

MENZIES AVIATION
06 N McDonnell Rd,
San Francisco, California 94128

Respondents

1. Respondent **MENZIES AVIATION** is an **employer** subject to suit under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

2. Complainant **Renaldo Navarrp**, resides in the City of **San Francisco** State of **California**.

3. Complainant alleges that on or about **August 29, 2018**, respondent took the following adverse actions:

Complainant was discriminated against because of complainant's race, national origin (includes language restrictions) and as a result of the discrimination was terminated, laid off, suspended.

Complainant experienced retaliation because complainant reported or resisted any form of discrimination or harassment and as a result was terminated, suspended.

Additional Complaint Details: The complainant complained of upper Respondent's manager unprofessional behavior of caucasian supervisor. The complainant signed a letter supporting a letter about the supervisor work misconduct. The Respondent's managers asked the complainant to write a letter explaining why he signed the petition. Respondent suspended the complainant one week for signing the petition.

1 Respondent displayed favoritism for supervisor as a Caucasian supervisor over the
2 Filipino's supervisors like the complainant.

3 Respondent suspended, retaliated and terminated complainant because of his
4 Filipino race and Philippines national origin
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

1 VERIFICATION

2 I, **Arlo Uriarte Garcia**, am the **Attorney** in the above-entitled complaint. I have read
3 the foregoing complaint and know the contents thereof. The matters alleged are
4 based on information and belief, which I believe to be true.

5 On September 3, 2019, I declare under penalty of perjury under the laws of the State
6 of California that the foregoing is true and correct.

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
San Francisco California

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Street number, and address): Arlo Garcia Uriarte, SBN 231764 Liberation Law Group, P.C. 2760 Mission Street San Francisco, CA, 94110 TELEPHONE NO.: (415) 695-1000 FAX NO.: (415) 695-1006 ATTORNEY FOR (Name): RENALDO NAVARRO		FOR COURT USE ONLY <div style="font-size: 2em; font-weight: bold; letter-spacing: 0.5em;">FILED</div> San Francisco County Superior Court OCT 23 2019 CLERK OF THE COURT By: <u>ANGELICA SUNGA</u> Deputy Clerk	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: 400 McAllister Street CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME:		CASE NAME: Renaldo Navarro v. Menzies Aviation, Inc., et al.	
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	
		CASE NUMBER: CC-19-580227 JUDGE: _____ DEPT: _____	

Items 1–6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input checked="" type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
---	--	---

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify): 4
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: October 23, 2019

Arlo Garcia Uriarte

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

NOTICE TO PLAINTIFF

A Case Management Conference is set for:

DATE: MAR-25-2020

TIME: 10:30AM

**PLACE: Department 610
400 McAllister Street
San Francisco, CA 94102-3680**

All parties must appear and comply with Local Rule 3.

CRC 3.725 requires the filing and service of a case management statement form CM-110 no later than 15 days before the case management conference. However, it would facilitate the issuance of a case management order **without an appearance** at the case management conference if the case management statement is filed, served and lodged in Department 610 twenty-five (25) days before the case management conference.

Plaintiff must serve a copy of this notice upon each party to this action with the summons and complaint. Proof of service subsequently filed with this court shall so state. **This case is eligible for electronic filing and service per Local Rule 2.11. For more information, please visit the Court's website at www.sfsuperiorcourt.org under Online Services.**

[DEFENDANTS: Attending the Case Management Conference does not take the place of filing a written response to the complaint. You must file a written response with the court within the time limit required by law. See Summons.]

ALTERNATIVE DISPUTE RESOLUTION REQUIREMENTS

IT IS THE POLICY OF THE SUPERIOR COURT THAT EVERY CIVIL CASE SHOULD PARTICIPATE IN MEDIATION, ARBITRATION, NEUTRAL EVALUATION, AN EARLY SETTLEMENT CONFERENCE, OR OTHER APPROPRIATE FORM OF ALTERNATIVE DISPUTE RESOLUTION PRIOR TO A TRIAL.

(SEE LOCAL RULE 4)

Plaintiff **must** serve a copy of the Alternative Dispute Resolution (ADR) Information Package on each defendant along with the complaint. (CRC 3.221.) The ADR package may be accessed at www.sfsuperiorcourt.org/divisions/civil/dispute-resolution or you may request a paper copy from the filing clerk. All counsel must discuss ADR with clients and opposing counsel and provide clients with a copy of the ADR Information Package prior to filing the Case Management Statement.

**Superior Court Alternative Dispute Resolution Administrator
400 McAllister Street, Room 103-A
San Francisco, CA 94102
(415) 551-3869**

See Local Rules 3.3, 6.0 C and 10 B re stipulation to judge pro tem.

CHRISTOPHER WARD, CA Bar No. 238777
cward@foley.com

ARCHANA A. MANWANI, CA Bar No. 272989
amanwani@foley.com

FOLEY & LARDNER LLP
555 SOUTH FLOWER STREET, SUITE 3300
LOS ANGELES, CA 90071-2411
TELEPHONE: 213.972.4500
FACSIMILE: 213.486.0065

SARA ALEXIS LEVINE ABARBANEL, CA Bar No. 324045
sabarbanel@foley.com

FOLEY & LARDNER LLP
555 CALIFORNIA STREET, SUITE 1700
SAN FRANCISCO, CA 94104-1520
TELEPHONE: 415.434.4484
FACSIMILE: 415.434.4507

Attorneys for Defendant MENZIES AVIATION,
INC.

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN FRANCISCO**

RENALDO NAVARRO,

PLAINTIFF,

v.

MENZIES AVIATION, INC., DOING BUSINESS AS
MENZIES; AND DOES 1 THROUGH 10, INCLUSIVE,

DEFENDANTS.

) CASE No: CGC-19-580227

)

) **DEFENDANT MENZIES AVIATION, INC.'S**
) **ANSWER TO PLAINTIFF'S UNVERIFIED**
) **COMPLAINT**

)

)

) CASE FILED: OCTOBER 23, 2019

)

)

)

)

)

)

)

)

)

)

ELECTRONICALLY
FILED

*Superior Court of California,
County of San Francisco*

12/13/2019
Clerk of the Court
BY: ANGELICA SUNGA
Deputy Clerk

1 Defendant Menzies Aviation Inc. doing business as Menzies (“Defendant”) hereby answers
2 Plaintiff Renaldo Navarro’s (“Plaintiff”) Complaint (“Complaint”) filed on October 23, 2019, as
3 follows:

4 **GENERAL DENIAL**

5 Pursuant to Code of Civil Procedure section 431.30(d), Defendant denies generally and
6 specifically, conjunctively and disjunctively, each and every allegation of the Complaint, including, but
7 not limited to, each and every purported cause of action contained therein (including denying the
8 existence of each and every element of each and every cause of action).

9 Further answering the Complaint, and the whole thereof, Defendant denies that Plaintiff has
10 sustained any injury, damage, or loss, if any, by reason of any act or omission of Defendant.

11 **AFFIRMATIVE DEFENSES**

12 Defendant hereby asserts the following separate and distinct affirmative defenses to the
13 Complaint:

14 **FIRST AFFIRMATIVE DEFENSE**

15 **(Failure to State a Cause of Action)**

16 1. The Complaint, and each and every purported cause of action set forth therein alleged
17 against Defendant, fails to state facts sufficient to constitute a cause of action against Defendant.

18 **SECOND AFFIRMATIVE DEFENSE**

19 **(Statute of Limitations)**

20 2. Plaintiff’s purported claims are barred by applicable statutes of limitations, including but
21 not limited to Common law, California Government Code section 12900, et seq., and California Code of
22 Civil Procedure sections 335 through 349 (including but not limited to sections 338 and 340).

23 **THIRD AFFIRMATIVE DEFENSE**

24 **(Failure to Mitigate)**

25 3. Plaintiff failed to meet his burden, inasmuch as he has had and continues to have the
26 ability and opportunity to mitigate the damages alleged with respect to the subject matter of this
27 litigation, and he has failed and requested to mitigate the damages.

28 ///

FOURTH AFFIRMATIVE DEFENSE

(Failure to Exhaust Administrative Remedies)

4. Plaintiff's purported causes of action are barred as Plaintiff has failed to satisfy the statutory prerequisites to sue and to exhaust administrative remedies under the Fair Employment and Housing Act ("FEHA"), California Government Code section 12940 et seq., the California Labor Code and/or any other applicable administrative remedy.

FIFTH AFFIRMATIVE DEFENSE

(Unclean Hands)

5. The Complaint is barred, in its entirety, by the doctrine of unclean hands.

SIXTH AFFIRMATIVE DEFENSE

(Estoppel)

6. Each and every purported cause of action set forth in the Complaint is barred entirely, or in part, by the doctrine of estoppel and/or acquiescence.

SEVENTH AFFIRMATIVE DEFENSE

(Laches)

7. The Complaint is barred, in whole or in part, by the doctrine of laches.

EIGHTH AFFIRMATIVE DEFENSE

(Uncertainty)

8. The Complaint is barred, in whole or in part, because it cannot be ascertained from the Complaint the basis of the allegations stated therein.

NINTH AFFIRMATIVE DEFENSE

(No Damages)

9. The Complaint is barred, in whole or in part, because Plaintiff has suffered no damage by any acts, events or occurrences alleged in the Complaint, whether or not attributable to Defendant.

TENTH AFFIRMATIVE DEFENSE

(No Underlying Wrongful Conduct)

10. The Complaint is barred, in whole or in part, because no wrongful conduct took place, there is no cognizable legal theory and no liability for failure to take remedial action or any similar or

related such allegation.

ELEVENTH AFFIRMATIVE DEFENSE

(Attorneys' Fees)

11. Plaintiff has failed to meet his factual and pleading burden inasmuch as the Complaint is frivolous, and Defendant has engaged attorneys to represent it in the defense of Plaintiff's frivolous, unfounded and unreasonable action and is thereby entitled to an award of reasonable attorneys' fees upon judgment in its favor.

TWELFTH AFFIRMATIVE DEFENSE

(Avoidable Consequences)

12. Plaintiff has failed to meet his burden inasmuch as Plaintiff failed to mitigate any claimed damages (which are expressly denied) by complying with Defendant's practices, policies and internal procedures.

THIRTEENTH AFFIRMATIVE DEFENSE

(Proportional Liability)

13. The Complaint is barred, in whole or in part, because liability, which is expressly denied, is the subject of partial or total proportional liability to a party other than Defendant.

FOURTEENTH AFFIRMATIVE DEFENSE

(Waiver/Release)

14. Each and every purported cause of action set forth in the Complaint is barred entirely, or in part, by the doctrine of waiver, as Plaintiff has waived all claims set forth in the Complaint.

FIFTEENTH AFFIRMATIVE DEFENSE

(After-Acquired Evidence)

15. The Complaint is limited or subject to an absolute bar as to recoverable damages based on the after-acquired evidence Defendant has presently and/or may acquire during the course of this litigation.

SIXTEENTH AFFIRMATIVE DEFENSE

(Punitive Damages Barred)

16. Defendant alleges that the United States and California Constitutions bar and/or limit any

claims by Plaintiff (or any member of the alleged putative class) for punitive damages, including barring or limiting punitive damages as to any claim for which such relief is not available.

SEVENTEENTH AFFIRMATIVE DEFENSE

(Punitive Damages Unconstitutional)

17. Defendant alleges that any claim for punitive or exemplary damages is barred, in that the California statute on punitive damages is unconstitutional under the due process clause of the Fourteenth Amendment to the U.S. Constitution and under the California Constitution, constitutes excessive fines under the Eighth Amendment of the U.S. Constitution, is unconstitutionally vague and therefore void, violative of the Equal Protection Clause, and an undue burden on Interstate Commerce.

EIGHTEENTH AFFIRMATIVE DEFENSE

(Failure to State Facts Sufficient to Recover Punitive Damages)

18. The Complaint, and each and every purported cause of action set forth therein alleged, fails to state facts sufficient to recover punitive, special or exemplary damages or to show that Defendant was guilty of malice, oppression or fraud as required by California Civil Code section 3294

NINETEENTH AFFIRMATIVE DEFENSE

(No Emotional Distress)

19. Defendants are informed and believe, and on that basis allege, that the Complaint, and each and every cause of action contained therein, is barred in whole or in part on the ground that Plaintiffs, and each of them, did not experience emotional distress.

TWENTIETH AFFIRMATIVE DEFENSE

(Right to Assert Additional Affirmative and Other Defenses)

20. Defendant reserves the right to raise additional affirmative and other defenses and raise the issue of Plaintiff's failure to meet his burden.

PRAYER

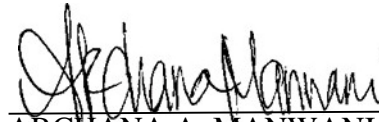
WHEREFORE, Defendant prays for judgment against Plaintiff on the Complaint as follows:

- 21. That Plaintiff takes nothing by way of his Complaint;
- 22. That the Complaint against Defendant be dismissed with prejudice;
- 23. That Defendant be awarded costs and attorneys' fees;

1 24. That the Court grant to Defendant such other and further relief as the Court may deem
2 just and proper.

3
4
5 DATE: DECEMBER 13, 2019

FOLEY & LARDNER LLP
CHRISTOPHER WARD
ARCHANA A. MANWANI
SARA ALEXIS LEVINE ABARBANEL

6
7
8 

9 _____
10 ARCHANA A. MANWANI
11 Attorneys for Defendant MENZIES AVIATION,
12 INC.
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to this action; my current business address is 555 California Street, Suite 1700, San Francisco, CA 94104-1520.

On December 13, 2019, I served the foregoing document(s) described as: **DEFENDANT MENZIES AVIATION INC.'S ANSWER TO PLAINTIFF'S UNVERIFIED COMPLAINT** on the interested parties in this action as follows:

Arlo Garcia Uriarte
Ernesto Sánchez
Un Kei WU
Daniel P. Iannitelli
LIBERATION LAW GROUP, P.C.
Telephone: (415) 695-1000
Facsimile: (415) 695-1006
arlo@liberationlawgroup.com

Attorneys for Plaintiff Renaldo Navarro

☒ BY ELECTRONIC COURT FILING SERVICE (E-SERVICE)

☒ I personally caused each document listed above to be served by a Court-approved Electronic Court Filing Service Provider by transmitting true and correct copies of each document(s) for electronic service to the parties in this action.

☒ Executed on December 13, 2019, at San Francisco, California.

☒ I declare under penalty of perjury under the laws of the State of California that the above is true and correct.



Laura Lee